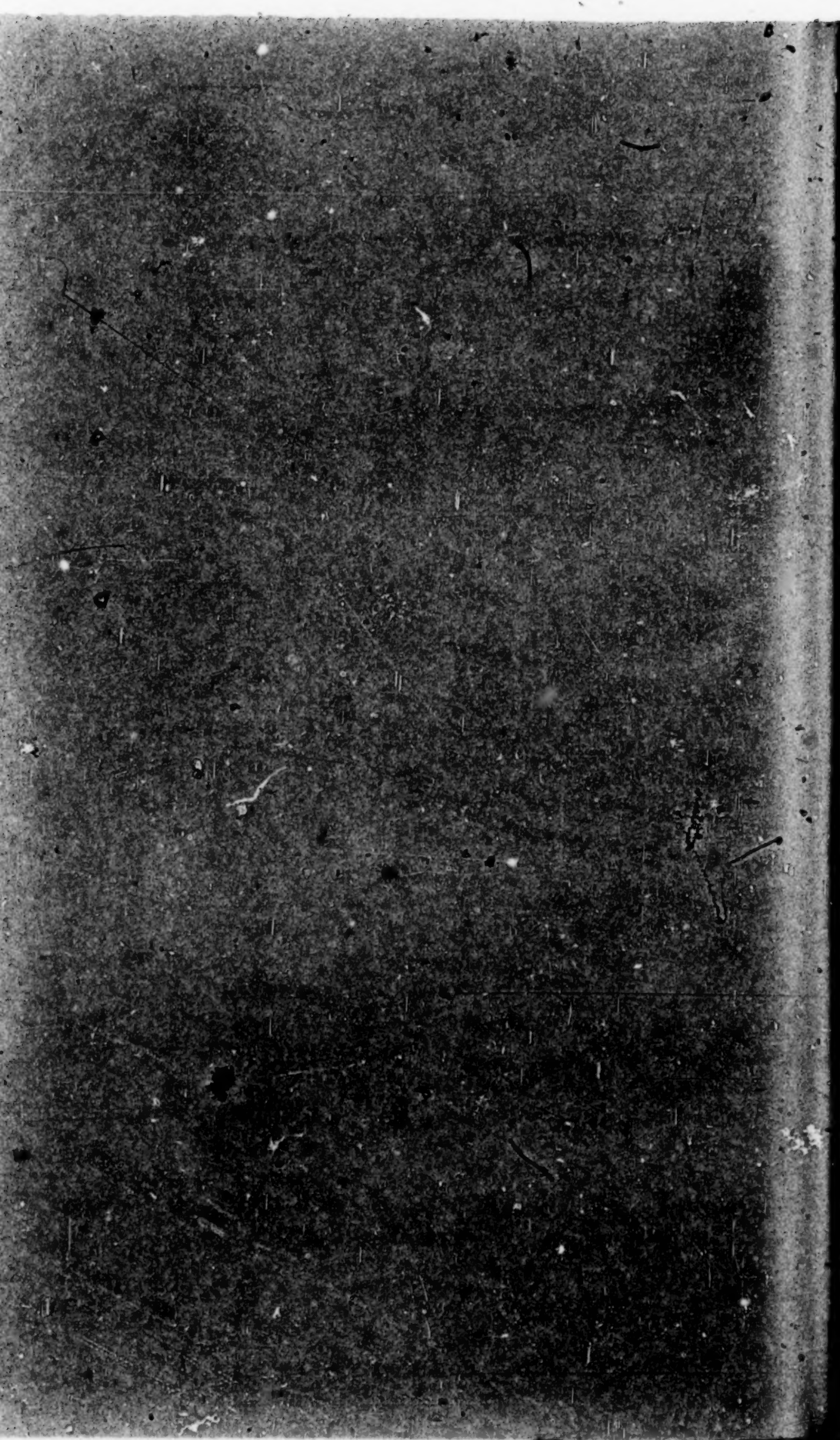

§58-152. — State inheritance taxes as hereinafter prescribed are hereby levied upon the shares of the respective beneficiaries in all property within the jurisdiction of this Commonwealth, real, personal and mixed, and any interest therein, which shall pass:

(1) By will or by the laws regulating descents and distributions;

(2) By grant or gift made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor;

(3) By grant or gift made in contemplation of death;

(4) By a transfer under which the transferrer has retained for his life the possession or enjoyment of the property or the income therefrom or the right to designate or change the beneficiaries who shall be entitled to possess or enjoy the property or the income therefrom;

(5) By virtue of the fact that it is held by the decedent and another as joint tenants or tenants by the entireties, with the right of survivorship, or is deposited with any person, firm or corporation doing a banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth; provided, that when such property or any part thereof or any part of the consideration with which such property was acquired is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value

of such property as is proportionate to the consideration furnished by such other person.

Every grant or gift made by the decedent within a period of three years ending with the date of his death shall be deemed prima facie to have been made in contemplation of death; but no such grant or gift made prior to such three-year period shall be deemed or held to have been made in contemplation of death.

§ 58-408.—(1) All money, except money which is otherwise taxed, on deposit with any bank or other corporation or firm or person doing a banking business,

(2) Such part of the proceeds of any life insurance policy as is retained by the life insurance company on interest at the request of the owner of such policy or at the request of the beneficiary of such policy after the death of the insured,

(3) Partial payment deposits made with industrial loan associations for the purchase of income bonds, certificates of investment or investment bonds,

(4) Money in the possession or under the control of the owner, whether such money be actually in or out of this State and belonging to a resident of this State,

(5) All money under the control of a court receiver or commissioner in pursuance of an order, judgment or decree of any court, or in the hands or under the control of an executor, administrator, guardian, trustee, agent, or other fiduciary, and

(6) All money deposited to the credit of any suit, not in the hands of a receiver or other fiduciary,

Shall be deemed to be intangible personal property.

For the tax year beginning January first, nineteen hundred and forty-nine and for every tax year thereafter until otherwise provided by law, the taxes on net incomes shall be in lieu of a specific property tax on all money as defined by this section upon which a specific property tax of twenty cents per one hundred dollars of the actual value thereof was imposed by this section prior to the first day of January, nineteen hundred and forty-nine; but this paragraph shall not apply to the money of public service corporations which is taxed under other provisions of law, and nothing in this paragraph shall be construed as applying to any money which is includible in capital under §§ 58-410 to 58-412 and 58-418, or in merchants' capital under §58-833.

This section shall be in force for the tax year nineteen hundred and forty-nine and every tax year thereafter.

SUPREME COURT OF THE UNITED STATES

No. 43.—October Term, 1960.

Harry R. Thomas, Petitioner, v. Virginia, Respondent.	On Writ of Certiorari to the Circuit Court of Arlington County of the Commonwealth of Virginia.

[November 21, 1960.]

Per Curiam.

The judgment of the Circuit Court of Arlington County of the Commonwealth of Virginia is reversed and the case is remanded to that court. *Blodgett* v. *Silberman*, 277 U. S. 1, 18.

Mr. Justice Black dissents for the same reason expressed by Mr. Justice Holmes in *Union Transit Co.* v. *Kentucky*, 199 U. S. 194, 211:

> "It seems to me that the result reached by the Court probably is a desirable one, but I hardly understand how it can be deduced from the Fourteenth Amendment . . . ."